

ARTICLE X. OPERATIONS STANDARDS FOR DRIVERS OF VEHICLES USED FOR COUNTY BUSINESS

Sec. 28-331. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County drug testing policy. The policy of the county is to maintain a workplace free of substance abuse and to work toward a drug-free community. The county will comply with the requirements of the Federal Drug-Free Workplace Act of 1988, since sufficient evidence has concluded that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health and, thus, job performance. This policy shall not conflict with the existing law enforcement policy as it applies to employees of the sheriff's department.

Defensive driving course means a course approved by the risk manager to teach drivers, as defined in this article, defensive driving skills.

Driver means as follows:

1. *Designated driver/employee* means an employee that has received the expressed approval of the department head to carry out official business of the county in a county-owned or privately owned vehicle. See section 28-332.
2. *Designated volunteer* means a volunteer who has received the express approval of the department head to carry out official business of the county in a county vehicle or a privately owned vehicle.
3. *High mileage drivers* means employees using privately owned vehicles for county business and exceeding 2,499 miles in a six-month period and who qualify for high mileage reimbursement. See section 28-332.

Risk manager means the county employee responsible for identifying and analyzing risks that would cause major financial loss to the county and implementing and monitoring policies and procedures to reduce these risks.

(Code 1995, § 275.01)

Cross references: Definitions generally, § 1-2.

Sec. 28-332. Responsibilities of risk manager.

- a. The frequency of accidents and the damage to county and private property calls for careful attention to developing preventive driving measures. The risk manager shall implement and carry out the measures in subsection of this section to address satisfactory driving standards and determine the preventability of all accidents that occur in the operation of vehicles, as defined in this article.
- b. The risk manager shall:
 1. Carry out the official actions of this article.
 2. Increase the awareness level of appropriate vehicular safety by:
 - a. Developing appropriate defensive driving courses for drivers;
 - b. Developing guidelines for authorized use of privately owned vehicles authorized for county business and functions;
 - c. Providing periodic reports, articles, and programs for enhanced vehicular safety; and

- d. Enhancing awareness of proper vehicular maintenance and ensuring the establishment of a regularly scheduled maintenance program.
3. Determine accident trends in terms of number, type, and frequency, patterns of recurrence and vulnerability and implement appropriate corrective action.
4. (4) Review vehicle accidents incurred by drivers where property damage, personal injury, or death occurs; determine the preventability and severity of the infraction; and recommend the necessary corrective action.

(Code 1995, § 275.02)

Sec. 28-333. Authorization.

- a. The following types of vehicles are identified for the purposes of complying with the county policy under this article:
 1. Ambulances.
 2. Patrol vehicles.
 3. Vehicles assigned to the tax office.
 4. Trucks (pickup, utility).
 5. Vans.
 6. Privately owned vehicles:
 - a. Used to transport clients as a regular function of job duties.
 - b. Operated by employees receiving high mileage reimbursement.
- b. Excluded county-owned vehicles are heavy equipment/machinery.
- c. Only county employees may operate county-owned vehicles with the exception of approved contract maintenance personnel, reserve deputy sheriffs, and designated volunteers.
- d. Drivers shall not operate a county-owned vehicle except upon the express direction and authorization of the department head who supervises regular work activities.
- e. A county vehicle may only be used for official county business. Reports of private use of a county vehicle will be received and investigated by the department head, and appropriate action will be taken.
- f. Finalists for all positions which require driving shall agree to a department of motor vehicles (DMV) driving record master check as a condition of employment. Such driving checks shall be the responsibility of the personnel director. The personnel director shall be responsible for determining the relevance of the information obtained to the position for which the applicant has applied. Finalists for positions which require driving as described in this article will not be recommended for hire by the personnel director if a driving record from the department of motor vehicles indicates the applicant has received more than four points within the last three years.
- g. In the employee orientation session conducted by the personnel department, employees subject to this article shall be informed of this article and of their obligation to function according to its provisions by the risk manager. Designated volunteers will be made aware of their responsibilities under this article by the respective department head.
- h. It shall be the policy of the county to assign vehicles to a particular department for the general conduct of its business. This is not meant to restrict the use solely to that department. Vehicles, other than emergency response vehicles, at any time may be subject to use outside of the regular department functions.

(Code 1995, § 275.03)

Sec. 28-334. Maintenance.

- a. Maintenance standards applying to a driver operating a county-owned vehicle are as follows:
 1. Preventive maintenance and service of county-owned vehicles shall be the function of the county garage.
 2. A notice of regularly scheduled preventive maintenance will be provided to the department head for each county vehicle in the form of a vehicle sticker.

3. The garage manager shall possess the authority to confiscate any vehicle that has not received the regularly scheduled maintenance check or if he deems the vehicle not roadworthy. Until such time, corrective action shall be taken. The garage manager will coordinate and maintain temporary alternate vehicles.
4. At least annually, the garage manager shall provide to the department head and/or the risk manager an analysis of vehicle operation costs.
5. Each driver shall be responsible for ensuring that his vehicle is in good working condition at all times. A driver is responsible for reporting in writing, immediately, all defects to his department head and the garage manager.
- b. Drivers operating privately owned vehicles under this article shall be responsible for the proper maintenance and safety of their vehicles.

(Code 1995, § 275.04)

Sec. 28-335. Accident prevention.

- a. It shall be the responsibility of all drivers of county vehicles to drive defensively to prevent accidents in spite of the incorrect actions of others and regardless of adverse conditions. The risk manager will develop measures to improve driving safety, which includes the defensive driving course. Such courses, designed both for regular driving and for those driving emergency response vehicles, will be scheduled on a regular basis by the risk manager, and drivers shall be required to take the course as set forth in this article.
- b. An employee assigned a county-owned vehicle as a regular function of the employee's position with the county shall be required to complete the applicable defensive driving course within six months of being assigned to a designated driving position. Employees of the sheriff's department will be allowed to substitute basic law enforcement training (BLET) and/or the state's 40-hour driving school for the county's defensive driving course. However, if an employee of the sheriff's department is involved in an avoidable accident, the employee must complete the county's next available defensive driving course or a special training application, which addresses specific driving needs as set forth by the risk manager.
- c. Designated volunteers responsible for driving a county-owned vehicle or driving a privately owned vehicle for county business must:
 1. Possess a valid driver's license issued by this state;
 2. Agree to a driving record master check from the department of motor vehicles; and
 3. Complete the next available applicable defensive driving course.
- d. Other employees are subject to the following:
 1. Employees, subject to this article, who have the responsibility of transporting clients in their privately owned vehicles shall be required to complete the defensive driving course within one year of hire or reassignment.
 2. All personnel driving privately owned vehicles who receive high mileage reimbursement are required to complete the defensive driving course within one year.
 3. Any employee who may have occasion to operate a county vehicle must take the course.
- e. The department head, in consultation with the personnel director, may require preemployment and/or periodic physical examinations to determine an employee's fitness to perform the essential functions of the job. The department head, in consultation with the risk manager, may also require these examinations for designated volunteers.
- f. All drivers shall be instructed on precautionary procedures to take should an accident occur and should obtain the following:
 1. The name of other drivers, passengers and/or pedestrians involved;
 2. The insurance carrier, agent, and policy number of any other driver, if possible;
 3. The names and statements of witnesses; and
 4. The investigating officer's report.
- g. Employees subject to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regulations are required to attend training, as addressed in the county drug testing policy.

- h. Basic safety equipment and supplies for vehicles will be established by the risk manager (e.g., fire extinguisher, flares, signs, bloodborne pathogens kits, and the like). It will be the employee's responsibility to ensure vehicles are appropriately supplied.
- i. Employees' driving records will be updated by the risk manager every three years from the original date of training. If an employee has not been in an at-fault accident or has not had any points added to his driving record, the driver will be exempt from taking the defensive driving course for another three years. No employee shall exceed more than six years without taking the defensive driving course.
- j. Department heads requiring additional driving instruction outside the scope of this article must have the instruction approved by the risk manager.
- k. Safe driver award incentive programs will be administered within the respective driver's department.

(Code 1995, § 275.05)

Sec. 28-336. Accident reporting and review.

- a. *Reporting.* When any driver, as defined in this article, is involved in an accident, he shall:
 - 1. Immediately notify proper law enforcement officials;
 - 2. Immediately notify the department head;
 - 3. Immediately notify the garage manager; and
 - 4. Notify the risk manager within one working day of the accident.

Safety sensitive employees, as defined by the Federal Transit Administration, and commercial driver's license (CDL) drivers subject to the Federal Highway Administration are required to follow the county drug testing policy requirements for post-accident testing.

- b. *Accident review.* Accidents shall be reviewed as follows:
 - 1. The risk manager shall review each accident where property damage, personal injury, or death occurs and determine the preventability and severity of the infraction and determine the necessary corrective action. The risk manager shall provide a written report within 30 days to the department head.
 - 2. The review and consideration of a case by the risk manager will include the following elements:
 - a. The past driving record of the driver.
 - b. The report of the investigating officer.
 - c. The driver's report.
 - d. Oral presentation by the driver, if needed or requested.
 - e. Supporting materials or the testimony of witnesses, if warranted.
 - f. The department head's or the designated representative's report of the accident.
- c. *Supporting material or witnesses.* A driver may petition to present supporting material or witnesses to the risk manager to assist in the interpretation of the accident.
- d. *Suspension of driving duties.* Drivers subject to this article may be suspended by the risk manager from driving duties, pending an investigation of each incident/accident.
- e. *Penalty.* Upon finding that a driver, who is an employee, is involved in a preventable accident, the risk manager shall discuss the findings with the personnel director. The personnel director shall recommend to the department head the appropriate disciplinary action based on section 28-117. If a designated volunteer is involved in a preventable accident, the risk manager shall make recommendations for appropriate action to the department head.
- f. *Appeal.* An appeal can be made by a driver/employee as set forth in section 28-123 pertaining to the grievance procedure.
- g. *Drug testing.* Certain county drivers are subject to the requirements of the county drug testing policy. Nothing in this policy shall alter any employee's responsibilities under the county drug testing policy.

(Code 1995, § 275.06)

Secs. 28-337--28-365. Reserved.